

UNITED STATES FEDERAL DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

FILED - GR

December 6, 2010 12:10 PM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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SCHMIDT & U.S. Dept. Justice

Case No.

LC Case No. 10—16022-FY-2

V

HON: JANET T. NEFF

KALKASKA

James Edward Schmidt
Sua-Sponte (Pro-Per/Pro-Se)
Amicus Curiae
Appeals of Right

1:10-cv-1198

Paul L Maloney
Chief U.S. District Judge

NOTICE OF HEARING

DE JURE –EN BLANC –CLASS 111 FEDERAL JUDGE
PRELIMARY INJUNCTION ON STATE COURT PROCEEDINGS
FEDERAL RULE 65- WRIT OF CAUSE “28 U.S.C. section 1651
WH'T MANDAMUS FEDERAL GRAND JURY -RULE 6-Amend5

SANITY HEARING ON MR. BRIAN DONNELLY

Death –Knell Doctrine of Federal Immediate Appeal

NOW COMES, JAMES EDWARD SCHMIDT—LEGALLY
BLIND—USES WHEELCHAIR—64 YEARS OLD and under the
Federal Rules of Procedure is hereby petitioning the United
States Federal District Court of Western Michigan with a
PRELIMINARY INJUNCTION on ALL KALKASKA COURT
PROCEEDINGS, FEDERAL WRIT OF CAUSE, ORDER FOR

TRANSCRIPTS & REGISTRY OF ACTIONS and NOTICE OF HEARING –DE JURE—EN BLANC in Federal Court

The reasons for filing this petition (Motion/Order for) WRIT OF CAUSE—PRELIMINARY INJUNCTION—WRIT OF MANDAMUS FOR FEDERAL GRAND JURY –citing—28 U.S.C. section 1651 –NOLLE PROSEQUE of James Edward Schmidt in 46th Circuit Court and Federal District Court--ORDER FOR TRANSCRIPTS-REGISTRY OF ACTIONS et ahl is under the merits of law and stated as follows:

1. James Edward Schmidt is disabled under the **“American with Disabilities Act”** citing—**“Rehabilitation Act of 1973”** citing **“29 U.S.C. section 794 (and amendments)”** and James Edward Schmidt is LEGALLY BLIND –pursuant to—**“42 U.S.C. section 416 (i) (1) (B) (Supp. IV 1986). (1)”** and has filed with the United States Federal Court Of Eastern District of Michigan (Grand Rapids) a **“MOTION FOR ACCOMMODATIONS”**—TIME STAMPED and Entered in the Court Record.
2. James Edward Schmidt –Pro- Per / Pro-Se is appropriately filing this PETITION in Federal District Court of Western Michigan –citing---**“FEDERAL RULE 7—“Pleadings Allowed—Form of Motions and Other**

Papers” (a) PLEADINGS (b) MOTIONS & OTHER PAPERS
(1) (2) NOTICE OF HEARING”—supra—et seq.

3. The matter brought before the United States Federal District Court of Western Michigan in the initial filing of this case is a Criminal Matter of **EXTORTION, VIOLATION OF CIVIL RIGHTS, UNDUE PROCESS, DISCRIMINATION--et ahl** against JAMES EDWARD SCHMIDT by various Michigan State Agencies **INCLUDING MR. BRIAN DONNELLY P.A.**, Courts and Individual Parties of which petitioner has duly petitioned for a **FEDERAL GRAND JURY** under RULE 6 by and through a petition for a **“WRIT OF MANDAMUS”**—citing—**“28 U.S.C. section 1651 and Rule 21 of the Federal Rules of Appellate Procedure”** —citing---**“Federal All Writs Act”**—pursuant to” 28 U.S.C. section 1651” ”on the **FEDERAL BUREAU OF INVESTIGATION** with the **UNITED STATES DISTRICT ATTORNEY OF WESTERN MICHIGAN** and a **CIVIL & GRAND JURY TRIAL DEMAND** on all other issues stated in original Complaint (Petition).
4. There are also other multiple causes of actions involving **UNDUE PROCESS** and **VIOLATIONS OF CIVIL RIGHTS--DISCRIMINATION-et ahl** by Petitioner [James Edward Schmidt] against the same parties and **APPEALS** thusly filed in the original filing as reference

being both **Civil** and **FEDERAL GRAND JURY** actions before Honorable Janet T. Neff by petitioner.

5. James Edward Schmidt—is hereby **PETITIONING FOR A “SANITY HEARING”** of **MR. BRIAN DONNELLY P.A.** by a **LICENSED PSYCHOTHERAPIST** OF HIS MENTAL CAPACITIES WHEREAS HE DEMONSTRATES EXTREMELY ANTISOCIAL PERSONALITY THAT OFTEN LEADS TO AGGRESSIVE, PREVERTED AND/OR CRIMINAL BEHAVIOR---citing---“FEDERAL PUBLIC FUNCTION TEST” pursuant to “42 U.S.C. section 1983” on MR. BRIAN DONNELLY. supra—et seq

6. [James Edward Schmidt] HAS BEEN-- DENIED HIS REQUESTED FOR ACCOMODATIONS of:

- (A) ALL DOCUMENTS IN 22 POINT FONT PRINT
- (B) ADAPTIVE EQUIPMENT of Aladdin, Opti-Lux or Kurtswell Reader,
- (C) WHEELCHAIR ACCESSIBILITY

(D) HANDICAP ACCESSIBILITY of Restrooms-
Courtroom—Hallways—[NOT BARRIER FREE]

7. Under the Operation of Law and pursuant to the
“FEDERAL ALL WRITS ACT”—citing—“28 U.S.C. section 1651”—petitioner is petitioning for a “WRIT OF CAUSE”
of a DERIVATIVE DEFENSE in 46th Circuit Court of the State of Michigan By MR. BRIAN DONNELLY by JAMES EDWARD SCHMIDT
8. As PRIMARY AUTHORITY –petitioner is citing—
“KLAXON DOCTRINE—the principle that a federal court exercising diversity jurisdiction must apply the choice-of-law rules of the state where the court sits.”—pursuant to—“In KLAXON CO. v STENTOR ELEC. MFG. CO., the Supreme Court extended the rule of ERIE v THOMPCKINS to choice-of law issues. 313 U.S.C 487, 61 s.ct. 1020—(1941)”—supra—et seq.
9. As PRIMARY AUTHORITY—petitioner is citing—
“CLEARFIED TRUST DOCTRINE—the doctrine describing the federal court’s power to make federal common law when there is both federal lawmaking power to do so and a strong federal interest in a nationally uniform rule”—“Clearfield Trust Co. v United States, 318 U.S. 363, 63 S. Ct. 573 (1943)”—supra—et seq.

10. As PRIMARY AUTHORITY—petitioner is citing—
“ERIE DOCTRINE—the principle that a federal court exercising diversity jurisdiction over a case that does not involve a federal question must apply the substantive law of the state where the court sits.”—“ERIE RR. V TOMPKINS, 304 U.S. 64, 58 S. Ct. 817 (1938)”—See Klaxon Doctrine---supra—et seq.
11. As PRIMARY AUTHORITY—petitioner is citing—
“MICHIGAN STATE CONSTITUTIONS” “NO PERSON SHALL BE DENIED THE EQUAL PROTECTION OF THE LAWS, nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise there of—because of religion—race—color or national origin.”—THE LEGISLATURE SHALL IMPLEMENT THIS SECTION BY APPPPROPRIATE LEGISLATION”—supra—et seq.
12. As PRIMARY AUTHORITY—petitioner is citing—
“MICHIGAN STATE CONSTITUTIONS”—“ARTICLE 1 & 13—(13) CONDUCT OF SUITS IN PERSON OR BY COUNSEL—“ANY SUITOR IN ANY COURT OF THIS STATE HAS THE RIGHT TO PROSECUTE OR DEFEND HIS SUIT—EITHER IN HIS OWN PERSON OR BY AN ATTORNEY”; (Former Constitution)”—See Constitution 1908 Article 11 & 12”—supra-et seq.

13. As PRIMARY AUTHORITY—petitioner is citing—
**“MICHIGAN STATE CONSTITUTIONS”—pursuant to
“ARTICLE 1 &1 –“POLITICAL POWER SEC. 1” ALL
POLITICAL POWER IS INHERENT IN THE PEOPLE.
GOVERNMENT IS INSITUTED FOR THEIR EQUAL
BENEFIT—SECURITY AND PROTECTION”—**(Former
Constitution of 1908 –Article 11 Section 1)—supra—et
seq.
14. Under the Operation of Law and pursuant to
“U.S.C.A. section 1404-(a)” ALL THE PROCEEDINGS of
CASE # 10—16022-FY-2 are DULY VENUED in United
States Federal Court of Western Michigan and
appropriately removed from the **STATE OF MICHIGAN
87-B District Court** and the **46th Circuit Court** and a
AUTOMATIC STAY is placed on ALL PROCEEDINGS in
the lower state courts.
15. The United States Federal District Court of Western
Michigan has **SOLE SUBJECT MATTER AND PERSONAL
MATTER JURISDICTION** over the **46th Circuit Court** —
citing-----**“DEATH-KNELL DOCTRINE OF
IMMEDIATE INTERLOCUTORY APPEAL TO
FEDERAL DISTRICT COURT”**---citing---
“WORATZECK v ARIZONIA BOARD OF

EXECUTIVE CLEMENCY, 117 F. 3d 400 (9th Circuit 1997)---supra—et seq.

16. Under the Operation of Law and citing--

“SANDUSKY v NATIONAL BANK” 90 U.S. WALL 289—299—(1874)—pursuant to—**“Any Order Made In The Process Of The Cause May Be Subsequently Set Aside And Vacated, Upon Proper Showing Made, Provided Rights Have Not Become Vested Under It Which Will Be Disturbed By The Vacation”**—supra—et seq.

Whereas there is an **AUTOMATIC STAY ON ALL LOWER MICHIGAN STATE COURT PROCEEDINGS** per **WRIT OF CAUSE--FEDERAL INJUNCTION** and this **FILED PETITION.**

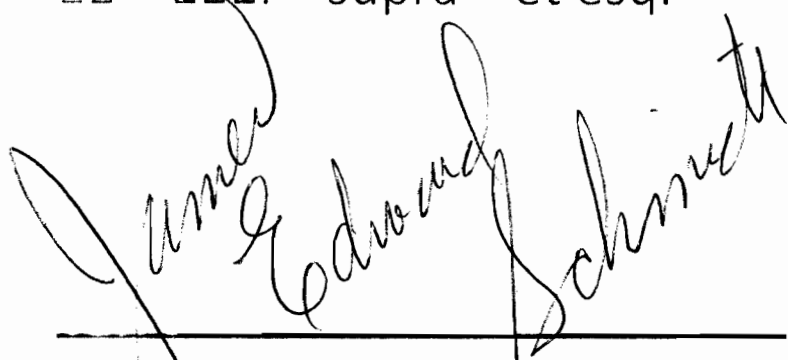
WHEREAS James Edward Schmidt (PETITIONER) is appropriately **PETITIONING** for a **OPEN HEARING** with appropriate **ORAL ARGUMENTS** to be **PRESENTED** before **HONORABLE JANET T. NEFF** in the Federal District Court of the Western District of Michigan on the above stated **MOTION/ORDERS** and **RESERVES** his right to **BRING INTO THIS ACTION** per **AMICUS CURIAE** the **UNITED STATES DEPT. OF JUSTICE** [Civil Rights Dept] the **MICHIGAN DEPT. of CIVIL RIGHTS** {DIRECTOR DANIEL KIRCHBAUM the **AMERICAN CIVIL LIBERTIES UNION** of **MICHIGAN** the **A.A.R.P. , MICHIGAN COMMISSIONER ON DISABILITY**

CONCERNS [MR. DUNCAN WYETH] the DIRECTOR OF THE U.S. HOUSING FRAUD [HUD GENERAL INSPECTOR the AMERICAN COUNCIL OF THE BLIND-DIRECTOR—MR. MAUER the INTERNATIONAL LIONS CLUB ,MR. JAMES MOORE—DIRECTOR OF DISABILITY NETWORK OF NORTHERN MICHIGAN and all others as deemed appropriate by petitioner.

WHEREAS James Edward Schmidt (PETITIONER) under the Operation Of Law has PETITIONED [MOTIONED] for a **ARTICLE 111** United States Federal District Judge being **HONORABLE JANET T. NEFF**—pursuant to —“**The voluntary consent requirement was designed to assuage constitutional concerns, as Congress did not want to erode a litigant’s right to insist on a trial before an ARTICLE III judge. —citing—“Dixon v. Ylst, 990 F. 2d 478, 479 (9th Cir. 1993)”—citing—(“a party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge”).**

WHEREAS this petition is entitled as an **CAUSE OF ACTION** including **DISCRIMINATION of a BLIND—WHEELCHAIR DISABLED PERSON [James Edward Schmidt}** under the operation of law—petitioner is **DULYING PETITIONING for ALL ATTORNEY FEES to be AWARDED to PETITIONER** under the “**AMERICAN WITH DISABILITES ACT of 1990 (42 U.S.C. section 12101 et seq and all**

amendments to date” as described by **Section 504 Title 1—
11—111.—supra—et esq.**

A handwritten signature in cursive script, reading "James Edward Schmidt", written over a horizontal line.

James Edward Schmidt

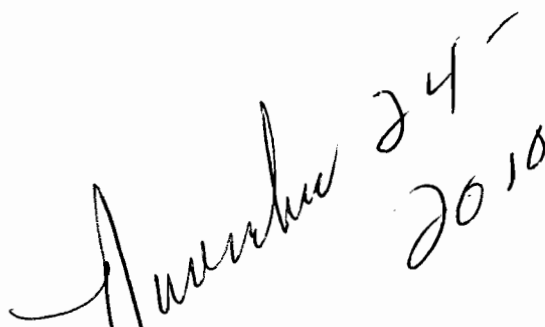
Sua Sponte—Pro-Per—Pro-Se

4074 Holiday Road

Traverse City, Michigan 49686

1—231—938—3325

Amicus Curiae---supra—et al et al

A handwritten date "November 24, 2010" written in cursive script, positioned above a horizontal line.

November 24, 2010